

**MINUTES
FREMONT CITY COUNCIL MEETING
JUNE 7, 2011
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

1.1 Call to Order: Mayor Wasserman called the meeting to order.

1.2 Flag Salute: Vice Mayor Chan led the salute to the flag.

1.3 Roll Call: Present: Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison and Dutra.

1.4 Announcements by Mayor/City Manager

2. CONSENT CALENDAR

- * **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison and Dutra
Noes:	None
Absent:	None
Abstain:	None

- * **2.2 Approval of Minutes**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council approved the minutes for the Regular Meeting of May 10, 2011 and for the Special and Regular Meetings of May 24, 2011.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison and Dutra
Noes:	None
Absent:	None
Abstain:	None

- * **2.3 Mayor Wasserman opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Amending the Precise Plan for Planned District P-2005-131**

*Consent Items

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council adopted Ordinance No. 03-2011.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

*** 2.4 Mayor Wasserman opened consideration of Adoption of a Resolution Approving Revisions to the Finance Department Retention Schedule**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council adopted Resolution No. 2011-29 approving revisions to the Finance Department Retention Schedule, and granting approval for the destruction of records in accordance with the Retention Schedule, subject to the review and consent of the City Attorney.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

*** 2.5 Mayor Wasserman opened consideration of Authorization for the City Manager, or his Designee, to Sign an Agreement with All City Management Services for the Purpose of Providing Adult Crossing Guard Services Throughout the School Year**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council authorized the City Manager, or his designee, to execute a contract to award adult crossing guard services to All City Management Services in an amount not to exceed \$175,000 per year for a three-year term.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

*** 2.6 Mayor Wasserman opened consideration of Authorization for the City Manager to Enter into an Agreement with the San Francisco Pride Celebration Committee to Allow the City to Officially Participate in the Pride Parade**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council authorized the City Manager to enter into an agreement as described in the staff report with the San Francisco Lesbian, Gay, Bisexual, Transgender Pride Celebration Committee Inc.

(SF Pride Celebration Committee), in order for the Human Relations Commission and other residents to participate, and officially represent the City, in the San Francisco Pride Parade.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

*** 2.7 Mayor Wasserman opened consideration of Award Contract for Construction Materials Testing Consultant Services for 2011 Asphalt Overlay Project and Phase I of the Beacon Avenue, California Street and Walnut Avenue Project to Kleinfelder West, Inc.**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council authorized the City Manager or his designee to execute a Master Service Agreement with Kleinfelder West, Inc., for construction materials testing consultant services for the 2011 Asphalt Overlay and the Phase I - Beacon Avenue, California Street and Walnut Avenue projects in an amount not to exceed \$150,000.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

*** 2.8 Mayor Wasserman opened consideration of Approval of Final Map for Tract 8049 and Improvement Agreement for Planning Area 5 Tract 8049 for the Construction of Public Streets (Bunche Drive and Pacific Commons Boulevard) and Dedication of Land and Public Easements - Pacific Commons**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council adopted Resolution No. 2011-30:

1. Approving the final map and the improvement plans for Tract 8049.
2. Approving the Agreement for Public Street Improvements entitled, "Improvement Agreement Public Street Improvements Tract 8049", with the developer, Catellus Land and Development Corporation, and authorizing the City Manager to execute the agreement on behalf of the City.
3. Accepting the developer's offer of dedication of land, as identified on the final map, provided that the acceptance of the offer of dedication of land for any public improvements shall be conditioned upon the developer's completion of improvements to the satisfaction of the City Engineer.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None

Absent: None
Abstain: None

*** 2.9 Mayor Wasserman opened consideration to Appropriate Highway Bridge Program (HBP) Funds in the Amount of \$448,000 to the Niles Boulevard Bridge Replacement Project over BART/UPRR, City Project No. 8460(PWC)**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council appropriated HBP Funds in the amount of \$448,000 to 522PWC8460 (Niles Boulevard Bridge Replacement over BART/UPRR).

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

*** 2.10 Mayor Wasserman opened consideration to Accept the Highway Safety Improvement Program (HSIP) Grant and Appropriate the Grant Funds of \$143,370 to the Paseo Padre Parkway Street Light Pole Replacement Project between Walnut Avenue and Washington Boulevard, City Project No. 8756(PWC).**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council:

1. Authorized the City Manager or designee to accept the HSIP grant and to execute any associated grant documents.
2. Appropriated funds in the grant amount of \$143,370 to 522PWC8756 (Paseo Padre Electrolier Replacement – Walnut to Washington).
3. Transferred funds in the amount of \$15,930 from 142PWC8293 (Paseo Padre Electrolier Replacement) to 142PWC8756 (Paseo Padre Electrolier Replacement – Walnut to Washington).

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

*** 2.11 Mayor Wasserman opened consideration of Planning Commission Recommendation to Introduce an Ordinance Adopting a Precise Planned District (P-2010-280), and to Approve a Preliminary Grading Plan, Private Street, Variance for a Modified Public Street, and Vesting Tentative Tract Map 8052 to Develop a 9-lot Single-Family Residential Subdivision on a Vacant Portion of the Seventh-Day Adventist Church Property. (PLN2010-00280)**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council:

1. Introduced an ordinance rezoning the property to Planned District (P-2010-280);
2. Found that the Precise Plan for the project, and Vesting Tentative Tract Map No. 8052 and the accompanying Private Street, Modified Public Cul-de-Sac, and Preliminary Grading Plan as depicted in Exhibits “C” and “D”, respectively, fulfill the applicable requirements set forth in the Fremont Municipal Code;
3. Approved the Precise Plan as shown on Exhibit “C” (site plan, floor plans, building elevations and landscape plans), and Vesting Tentative Tract Map No. 8052 and the accompanying Private Street, Modified Public Cul-de-Sac, and Preliminary Grading Plan as shown in Exhibit “D”, based upon the findings contained in this report and subject to the conditions of approval set forth in Exhibit “F”;
4. Approved the proposed Affordable Housing Plan as shown in Exhibit “E” authorizing the applicant to purchase two off-site market-rate 3-bedroom condominium units for conversion to Below-Market-Rate units, or pay the required in-lieu fees to achieve compliance with the Affordable Housing Ordinance;
5. Approved the proposed removal and mitigation for all private, protected trees pursuant to the City’s Tree Preservation Ordinance and as described in the staff report and conditions of approval set forth in Exhibit “F,” including revisions to approval #45 and #51 on page 10 as reflected in a corrected memo from staff; and
6. Directed staff to prepare and the clerk to publish a summary of the ordinance.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan and Harrison
Noes: None
Absent: None
Abstain: Councilmember Dutra recused himself due to a conflict
of interest related to a business partnership with the
seller

*** 2.12 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider the Planning Commission Recommendation to Adopt an Ordinance Amending the Development Standards and Guidelines Pertaining to Gateways and Signage Standards for Pacific Commons (Planned District P-2000-214)**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council:

1. Held public hearing.
2. Found that the Environmental Impact Report (SCH#19996052016), including the 2000 and 2010 Supplement to the Environmental Impact Report, previously prepared for this project is sufficient, and that there are no substantial changes with respect to the project and/or its circumstances which require major revisions of the SEIR due to new significant environmental effects, a substantial increase in the severity of previously identified significant effects, or new information of substantial importance.

3. Found that the proposed project is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Local Economy Chapter as enumerated within the staff report.
4. Waived full reading and introduce an Ordinance adopting the Planned District Major Amendment as shown in Exhibit "T" (2010 Revised Supplement B, Pacific Commons Planned District Development Standards and Guidelines), based on findings and subject to conditions in Exhibit "J."
5. Directed staff to prepare and the Clerk to publish a summary of the ordinance.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS

3.1 Proclamation: Pride Month

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications

Randy Schroeder, Stefanie O'Brien, MaryLou Johnson, Martha Matthiesen, Beth Howell, Nancy Tacchella, and Lisa Wiseman (Fremont Association of City Employees (FACE), SEIU Local 1021) expressed concern related to current employee labor negotiations.

5. SCHEDULED ITEMS – None.

5.1 Mayor Wasserman opened consideration of First Public Hearing and Council Direction to Staff on the Proposed Fiscal Year 2011/12 Operating Budget

Finance Director Harriet Commons provided a brief overview of the proposed FY 2011/12 Operating Budget. Staff responded to questions from Councilmembers. Mayor Wasserman opened the public hearing. There were no speakers. By consensus, the City Council agreed to continue the matter to a second public hearing to be held on June 14, 2011.

5.2 Mayor Wasserman opened consideration of First Public Hearing and Council Direction to Staff on the Proposed FY 2011/12 - 2015/16 Capital Improvement Program (CIP) Budget

Public Works Director Jim Pierson provided a brief overview of the staff report and fund sources assigned for each project. Mayor Wasserman opened the public hearing. There were no speakers. Staff responded to questions from Councilmembers. By consensus, the City Council agreed to continue the matter to a second public hearing to be held on June 14, 2011.

5.3 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider a Third Party Appeal of a Planning Commission Decision to Uphold the Approval of a Zoning Administrator Permit to Allow a Dance School in the Pacific Commons Shopping Center (PLN2011-00133)

Mayor Wasserman opened the public hearing. Laura Fan (appellant and co-owner of Premier Ballroom Studio) explained her reasons for requesting approval of the appeal. Hwa Lim (applicant for Asian Hustle Dance Studio) expressed opposition to the appeal. Art Bando, Nancy Capatosto and Hsiang-Wen Chen expressed opposition to the appeal. There were no other speakers. Hristo Minen (co-owner of Premier Ballroom Studio) and Laura Fan provided rebuttal comments. Ms. Fan responded to questions from Councilmembers. Mayor Wasserman closed the public hearing. Staff responded to questions from Councilmembers.

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council:

1. Held the public hearing;
2. Found that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Guideline 15301, Leasing of Existing Facilities;
3. Found the project is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals, objectives, and policies set forth in the Land Use and Local Economy Chapters of the City's General Plan as enumerated within the staff report; and
4. Denied the appeal and upheld the approval of Zoning Administrator Permit PLN2011-00133 as shown in Exhibit "A" and described in Informational Item #1, based on the findings and as conditioned by the Zoning Administrator as shown in Exhibit "B".

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison and Dutra
Noes:	None
Absent:	None
Abstain:	None

6. REPORT FROM CITY ATTORNEY

6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.

7. OTHER BUSINESS

All items listed under Other Business were taken out of order and heard prior to Agenda Item 5.3.

7.1 Mayor Wasserman opened consideration to Authorize the City Manager, or His Designee, and the Redevelopment Agency Executive Director, or His Designee, to Negotiate and Execute Improvement and Maintenance Agreements Between the City of Fremont, the Redevelopment Agency of the City of Fremont, and Owners of Real

Property Abutting Iron Horse Lane, under Certain Prescribed Conditions, in Order to Cause the Physical Improvement and Acceptance of Iron Horse Lane from F Street to its Southeastern Terminus as a Public Street

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council adopted Resolution No. 2011-32 authorizing the City Manager, or his designee, to negotiate and execute Improvement and Maintenance Agreements with the owners of real property abutting Iron Horse Lane, under the conditions described in this staff report, in order to cause the physical improvement and acceptance of Iron Horse Lane from F Street to its southeastern terminus as a public street.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

7.2 Mayor Wasserman opened consideration of Adoption of a Resolution Authorizing the City of Fremont to Purchase the Municipal Parcel from the Redevelopment Agency and Make Related Statutory Findings

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council adopted Resolution No. 2011-32:

1. Finding that the site (6900 Auto Mall Parkway, known as “the Municipal Parcel”) is in conformance with the Criteria for Selection of Park Sites included in the General Plan; and
2. Approving the purchase of the 40.1- acre Municipal Parcel site (APN 531-0185-012), depicted as Parcel A in Enclosure 3, from the Redevelopment Agency in the amount of \$4,372,117 and making related statutory findings; and
3. Appropriating the funds in the amount of \$4,372,117 to account 541PWC8758 for the acquisition of the property.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

7.3 Mayor Wasserman opened consideration of Re-Authorization to Issue 2011 Redevelopment Agency Tax Allocation Bonds

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Approved the issuance and sale of the 2011 Tax Allocation Bonds.

2. Adopted Resolution No. 2011-33 approving the issuance and sale of tax allocation bonds of the Redevelopment Agency of the City of Fremont to finance redevelopment activities within or for the benefit of the Agency's Fremont Merged Redevelopment Project.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

7.4 Mayor Wasserman opened consideration to Authorize the City Manager to Enter into an Agreement with Holland and Knight, LLP to Provide Government Relations and Strategic Advice and Federal Advocacy for Efforts Related to the Development of the South Fremont/Warm Springs Area

Economic Development Director Lori Taylor reviewed the staff report and staff's recommendation. Ms. Taylor introduced Jeffrey Booth (Holland & Knight, LLP). Staff and Mr. Booth responded to questions from Councilmembers. Mayor Wasserman opened the item for public comment. John Rennels provided comments related to federal funding to assist with the development. There were no other speakers. Mayor Wasserman closed public comment. Councilmembers provided comment.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council formally endorsed the City Manager's recommendation to develop a government relations strategy and advocacy efforts for the development of the Warm Springs/South Fremont area, and authorize the City Manager to enter into an agreement with Holland & Knight, LLP in an amount not to exceed \$90,000.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals – None.

8.2 Oral Reports on Meetings and Events

Councilmembers reported on their various meetings and activities.

9. **ADJOURNMENT:** There being no further business, Mayor Wasserman adjourned the meeting at 10:15 p.m.

Attest:

Approved:

Dawn G. Abrahamson, City Clerk

BOB WASSERMAN, Mayor